

Message Text

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PAGE 01 SEOUL 00254 120951Z

ACTION NODS-00

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FM AMEMBASSY SEOUL

TO SECSTATE WASHDC NIACT IMMEDIATE 8645

S E C R E T SEOUL 0254

NODIS

E.O. 11652: GDS

TAGS: PGOV, KS, US

SUBJECT: DRAFT RESPONSE TO HOUSE ETHICS COMMITTEE CHAIRMAN

REF: STATE 8299

1. BELIEVE LETTER AS DRAFTED (REFTEL) IS AN EXCELLENT START TOWARD ESTABLISHING A DIALOGUE WITH HOUSE ETHICS COMMITTEE. I HAVE DISCUSSED DRAFT LETTER WITH DEPUTY ATTORNEY GENERAL CIVILETTI AND HE CONCURS IN THIS ASSESSMENT. FOR REASONS WHICH I WILL SPELL OUT AS INDIVIDUAL POINTS ARE DISCUSSED, BELIEVE IT IMPORTANT TO MAKE SOME MINOR MODIFICATIONS TO DRAFT TEXT.

2. FOLLOWING COMMENTS KEYED TO PARAGRAPHS IN PARA 2 REFTEL.
A. NO CHANGE.

B. I WOULD RECOMMEND THAT THE WORD "FULLY" BE DELETED FROM THE FIRST SENTENCE OF THIS PARA AND THAT THE SECOND SENTENCE BE DELETED ENTIRELY. PARA B AS MODIFIED WOULD THEN BE INCORPORATED INTO PARA C AS FIRST SENTENCE. I HAVE NO PROBLEM WITH THE CONTENT OF PARA B AS ORIGINALLY DRAFTED AND, AS PREVIOUSLY REPORTED, AM HOPEFUL THE ROKG IS MOVING TO ACCEPT THE NEED FOR TONGSUN PARK AT SOME POINT TO SATISFY THE NEEDS OF THE CONGRESS. HOWEVER, WE MUST ASSUME THAT THIS LETTER WILL VERY QUICKLY ENTER THE

SECRET

SECRET

PAGE 02 SEOUL 00254 120951Z

PUBLIC DOMAIN AND BE REPORTED IN KOREA. WE HAVE ONLY TWO DAYS AGO SIGNED A MUTUAL PROSECUTION ASSISTANCE AGREEMENT WHICH IN PARAGRAPH 12 STATES THAT COMMITTEES OF CONGRESS WILL BE URGED TO ACCEPT THE TRANSCRIPTS OF MR. PARK'S TESTIMONY IN SEOUL IN LIEU OF PERSONAL APPEARANCES BY MR. PARK AND THAT COMMITTEES WILL BE ASKED NOT TO SUBPOENA MR. PARK. IF, IN THE FIRST EFFORT

TO BE MADE PUBLIC, IT APPEARS WE ARE NOT MAKING ANY EFFORT AT ALL TO HONOR THIS UNDERTAKING, THE ROKG WILL HAVE CAUSE TO QUESTION OTHER ASSURANCES WE HAVE PROVIDED. I FULLY EXPECT US TO GIVE SUPPORT AND COOPERATION TO THE CONGRESS, BUT WOULD SUGGEST THAT IT BE DONE IN A MANNER WHICH MEETS THE MINIMUM REQUIREMENTS OF OUR UNDERTAKINGS TO THE ROKG.

C. IN THE FINAL SENTENCE, I WOULD RECOMMEND THAT QUOTE NATURE END QUOTE BE SUBSTITUTED FOR QUOTE SCOPE END QUOTE. THIS WOULD NOT RULE OUT DISCUSSION OF SCOPE AT AN EARLY STAGE, BUT WOULD NOT HIGHLIGHT THIS MOST DIFFICULT OF AREAS. IT COULD ALSO BE USED TO COVER DISCUSSION OF OPEN OR CLOSED SESSIONS, HEARINGS IN WASHINGTON OR TESTIMONY IN SEOUL AND MANY OTHER POINTS.

D. IN SECOND SENTENCE, I WOULD SUGGEST THAT QUOTE FULLY END QUOTE BETWEEN QUOTE QUESTIONING IS END QUOTE AND QUOTE UNDERWAY END QUOTE BE REPLACED BY QUOTE FIRST END QUOTE. IF CIVILETTI LEAVES AS NOW ANTICIPATED, THERE WILL HAVE BEEN NO MORE THAN TWO AND ONE-HALF TO THREE DAYS OF QUESTIONING AT BEST AND COULD HAVE BEEN NO MORE THAN ONE DAY AND ONE-HALF. THUS, A MORE MODEST WORD IS INDICATED. IN DISCUSSION WITH DEPUTY ATTORNEY GENERAL CIVILETTI WE HAVE DEVELOPED THE FOLLOWING REDRAFT OF THE FINAL SENTENCE OF THIS PARAGRAPH. QUOTE IF EITHER CONGRESSMAN CAPUTO OR
SECRET

SECRET

PAGE 03 SEOUL 00254 120951Z

MR. SWILLINGER, SENATE ETHICS COMMITTEE STAFF OBSERVER, HAVE RETURNED TO WASHINGTON BEFORE THE TIME OF THE MEETING I HAVE PROPOSED IT WOULD NO DOUBT BE VERY USEFUL TO DRAW UPON THEIR FIRST-HAND EVALUATION OF THESE FIRST STEPS IN THE DESIRED ACCESS TO GONSUN PARK. END QUOTE. I GATHER THAT AN OFFER TO INCLUDE DEPUTY ATTORNEY GENERAL CIVILETTI WOULD NOT BE WELL RECEIVED AND BELIEVE IT WOULD BE WELL TO LEAVE TO CHAIRMAN FLYNT THE DECISION ON WHO TO INCLUDE IN THE MEETING.

E. NO CHANGE.

F. BELIEVE THE FINAL PORTION OF THE FIRST SENTENCE SHOULD BE MODIFIED TO READ AS FOLLOWS: QUOTE ... IF HE SHOULD GIVE FALSE TESTIMONY DURING THE INTERROGATION OR AT SUBSEQUENT TRIAL APPEARANCES. END QUOTE. THIS MODIFICATION WOULD DELETE REFERENCE IN THE SENTENCE TO CONGRESSIONAL COMMITTEE WHICH, THOUGH LEGALLY CORRECT, GOES BEYOND THE SCOPE OF THE AGREEMENTS WHICH IN NO WAY TOUCH UPON OR IMPINGE THE FULL AUTHORITY OF CONGRESS. CONSIDERATION MIGHT BE GIVEN TO ADDING THE FOLLOWING SENTENCE BETWEEN THE FIRST SENTENCE AS MODIFIED AND

THE SECOND SENTENCE OF THIS PARAGRAPH. QUOTE ON SIGNING
THE JOINT STATEMENT OUR AMBASSADOR MADE ABUNDANTLY CLEAR
IN A PUBLIC STATEMENT THAT THE AGREEMENT HAD NOT BEEN
JOINED IN BY ANY UNITED STATES CONGRESSIONAL COMMITTEE
AND WAS NOT INTENDED TO CONTROL ANY RQUESTS FROM THE
CONGRESS IN THIS MATTER. END QUOTE. THE REMAINDER OF
THE PARAGRAPH COULD THEN STAND AS DRAFTED.

3. THE CHANGES I HAVE SUGGESTED, I BELIEVE, MAINTAIN
THE POSITIVE THRUST OF THE DRAFT PROVIDED REFTEL AND
AT THE SAME TIME KEEP OUR UNDERTAKINGS MORE IN LINE WITH
WHAT WE HAVE FORMALLY AGREED TO WITH THE ROKG. IN THE
INTEREST OF GETTING THINGS OFF TO A GOOD START HERE,
I URGE THAT THESE MODIFICATIONS BE INCORPORATED IN THE
SECRET

SECRET

PAGE 04 SEOUL 00254 120951Z

FINAL DRAFT.
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Message Attributes

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TAGS: PGOV, AINF, KS, US, (TONGSUN PARK)
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